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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,822	06/14/2001	Arzhan I. Kinzhalin	SUNMP013	7759

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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/881,822	Applicant(s) KINZHALIN ET AL.	
Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims Status

Claims 1-7, 9-20 have been canceled. Claims 8 and 21-29 are rejected in this office action as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,805,795 issued to Whitten (hereafter Whitten) in view of US Pat No 5,892,947 issued to DeLong et al (hereafter DeLong) and further in view of US Pat No 5,335,342 issued to Pope et al (hereafter Pope).

Claims 8 and 25:

Whitten discloses:

a code segment that binds each testable assertion to one of the plurality of tests that test the testable assertion [Fig 2, 10, col 4, line 64- col 5, line 3, col 5, lines 38-52] each one of the tests being a computer program testing an implementation of the software product whether the software product complies with the portion of the input specification that corresponds with the testable assertion bound to the one of the tests,

a code segment that identifies each testable assertion as tested or non-tested [Fig 2, col 3, lines 35-50],

a code segment for presenting information on coverage of the input specification by tests test coverage is maximized [col 3, lines 43-47]

Whitten discloses the essential elements of the claimed invention as noted above but does not disclose a code segment that identifies each testable assertion as invalid. DeLong discloses a code segment that identifies each testable assertion as invalid [col 5, line 19]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whitten to include a code segment that identifies each testable assertion as invalid as taught by DeLong for the purpose of early identification and rejection of insufficient test cases [col 5, line 20]. The skilled artisan would have been motivated to modify Whitten per the above such that a set of combinations of test conditions are used in determining whether predetermined functions are properly performed [col 4, lines 53-57].

Whitten discloses the essential elements of the claimed invention as noted above but does not disclose a code segment that associates testable assertions with statements within an input specification. Pope discloses a code segment that associates testable assertions with statements

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within an input specification [col 1, lines 25-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whitten to include a code segment that associates testable assertions with statements within an input specification as taught by Pope for the purpose of identifying test requirements in the requirements document [col 9, lines 25-30].

Claims 21 and 26:

The combination of Whitten, DeLong and Pope discloses the elements of claim 8 as noted above and furthermore, Whitten discloses wherein the information includes a percentage of the testable assertions covered by the tests [col 1, lines 44-47]

Claims 22 and 27:

The combination of Whitten, DeLong and Pope discloses the elements of claim 8 as noted above and furthermore, Whitten discloses wherein the information includes a list of testable assertions tested by the tests [col 1, lines 25-30]

Claims 23 and 28:

The combination of Whitten, DeLong and Pope discloses the elements of claim 8 as noted above and furthermore, Whitten discloses wherein the information includes a list of testable assertions not tested by the tests [maximum number of blocks are exercised based on a minimum time, col 3, lines 1-10].

Claims 24 and 29:

The combination of Whitten, DeLong and Pope discloses the elements of claim 8 as noted above and furthermore, Pope discloses a code segment identifying ones of the testable assertions affected by a change to the input specification [col 9, lines 25-30].

Response to Arguments

Applicant's arguments filed 3/14/2005 have been fully considered but they are now moot based above new grounds of rejection which are necessitated by applicant's amending of the claims.

Conclusion

Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on 3/14/2005 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/12/2005


MOHAMMAD ALI
PRIMARY EXAMINER